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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,699	09/15/2000	Makoto Yamada	450100-02715	3748
20999	7590	03/02/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			ROBINSON, GRETA LEE	
ART UNIT		PAPER NUMBER		
		2177		
DATE MAILED: 03/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/662,699	YAMADA ET AL.
Examiner	Art Unit	
Greta L. Robinson	2177	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 22 January 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-22 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

1. Claims 1-22 are pending in the present application.
2. Claims 1-3, 5, 9-15, 18-20 have been amended; and new claims 21-22 have been added.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuka et al. US Patent 6,065,010 in view of Saraceno *Video Content extraction and*

representation Using a Joint Audio and Video Processing and Mamiya et al. US Patent 6,018,744.

Regarding claim 1, Otsuka et al. teaches a digital recording apparatus usable with a recording medium [figure 8], comprising:

means for extracting information of each of a plurality of files recorded on the recording medium [see: column 5 lines 12-44];

means for correlating the extracted information and the plurality of files and generating an index file [note: "generating a respective index file" column 3 lines 17-46]; and

means for recording the index file to a predetermined position of the recording medium [see: column 5 line 64 through column 6 line 42],

wherein the extracted information includes at least two of property information, thumbnail information, and title information in which the property information pertains to a number of attributes of said plurality of files, and the thumbnail information includes representative image data which represent the file, and the property information is corrected to the file and the thumbnail information or the title information [note: abstract; column 8 lines 11-24; column 12 lines 21-64].

Although Otsuka teaches the invention as cited above, they do not explicitly teach *extracting* information that includes at least two of property information, thumbnail information and title information as specified. **Saraceno** teaches *automatically extracting* video content for efficient storage and retrieval of data and to recognize

higher levels of meaningful structures, such as specific scenes and correlation of information [note: abstract, data representation section 2 page 3033, also note pages 3034 and 3036; and figure 1]. It would have been obvious to one of ordinary skill at the time of the invention to have combined the cited references because automatic extraction of data provides for efficient retrieval, storage and correlation of the data. Although Saraceno teaches the information may extracted and may be represented at higher levels, they do not explicitly specify the data types. **Mamiya et al.** further depicts that the data may consist of a title, bitmap and other attributes [note: figure 4,col. 4 line 66 through col. 5 line 6]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Mamiya et al. with the cited references because Mamiya et al. explicitly shows the various types of data (i.e. higher level data) that may be extracted as taught in Saraceno.

5. Regarding claim 2:

"wherein the index file is recorded" [note: Otsuka et al., figure 9B element 436].

6. Regarding claim 3:

"wherein the predetermined operation mode is started" [note: Otsuka et al., figures 3-7].

7. Regarding claim 4:

"reproducing mode ... editing mode" [see: note: Otsuka et al., column 10 lines 3-44; also col. 1 line 15 through col. 2 line 7].

8. Regarding claims 5-11:

"wherein the information contains attribute data ... title" [see: Saraceno page 3036].

9. Regarding claims 12-18:

"wherein the index file contains a first area" [note: note: Otsuka et al., column 9 lines 22-49; also note citations paragraph five supra].

10. The limitations of method claim 19 parallels apparatus claim 1; therefore it is rejected under the same rationale.

11. The limitations of claim 20-22 have been addressed above in claim 1 except for the following: means for displaying the representative image ... [note Otsuka et al., display device 105 figure 1 and col. 10 lines 25-61].

Response to Arguments

12. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

In the response Applicant argued that Saraceno does not teach extracting information that includes at least two of property information, thumbnail information, and title information as cited above in the amended claims. Mamiya et al. is cited note new citations supra. Also Saraceno teaches that the data extracted can be represented in various forms and allows for higher levels of construction.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Matsuzawa et al. US Patent 6,085,185

Hoffert et al. US Patent 6,282,549 B1

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (703) 308-7565. The examiner can normally be reached on Mon.-Fri. 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GRETA ROBINSON
PRIMARY EXAMINER

Greta Robinson
Primary Examiner
February 26, 2004